

REMARKS

The Applicant does not believe that entry of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant respectfully request that the foregoing amendment be entered and that the claims to the present invention kindly be reconsidered.

The Office Action dated June 3, 2004 has been received and considered by the Applicant. Claims 1 through 9 are pending in the present application for invention. Claims 1 through 9 stand rejected by the Office Action dated June 3, 2004.

The Office Action suggests that headings be placed on the various sections of the specification to the present invention. The Applicant would like to, respectfully, point out that 37 CFR §1.77 suggests that the sections of the specification have heading, but does not requires that the section of the specification have headings. Therefore, the Applicant, respectfully declines to add the heading suggested by the Examiner because they are not required by 37 CFR §1.77.

The Office Action rejects Claims 1, 4 and 7-9 under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,878,223 issued in the name of Becker et al. (hereinafter Becker et al.) in view of Patent Application Publication No. US 2002/0194434 A1 in the name of Kurasugi (hereinafter Kurasugi).

The Examiner sates that Becker et al. teach the recited elements of the rejected claim except for computing the respective weight for a reference based on the number of times that reference has been fetched previously and on the number of times one or more further resources have been fetched previously from a server that serves the resource referenced by the reference, however, that this element is taught by Kurasugi at section 0060. Initially, the Applicant would like to point out that the Examiner has misstated the subject matter defined by the rejected claims. The rejected claims define subject matter for “the respective weight for a reference is computed based on the number of times the resource referenced by that reference has been fetched previously, and on the number of times one or more further resources have been fetched previously from a server that serves the resource referenced by the reference.” Accordingly, it is not the number of times that the reference has been previously fetched, but it is the number of times that the resource referenced by the resource has been previously fetched.

Kurasugi teaches that the weight value of the referrer object can be determined by the frequency of at which the hyperlinks of the referrer object has been accessed relative to the frequency of access to other referrer objects. The Applicant would like to respectfully point out that the referrer object of Kurasugi is equivalent to the reference within the rejected claims and the reference object of Kurasugi is equivalent to the resource within the rejected claims. The Applicant draws the Examiner's attention to section 0043 of Kurasugi wherein it is clearly stated that the user clicks on the hyperlink of a referrer object to prefetch the reference object. It is therefore, clear, that the referrer object within Kurasugi is the link and the reference object is the resource that is pointed to by the link. In the present invention, the claims recite reference 107 which is the link and resource 106 indicated by reference 107. The rejected claims recite "the respective weight for a reference is computed based on the number of times the resource referenced by that reference has been fetched previously, and on the number of times one or more further resources have been fetched previously from a server that serves the resource referenced by the reference." Therefore, the rejection contained within the Office Action cites Kurasugi which teaches that the respective weight for a reference is based on the number of times that reference has been fetched previously which is not the subject matter defined by the rejected claims. Accordingly, there are features defined by the rejected claims that are not found by the rejection made in the Office Action. Therefore, this rejection is respectfully, traversed.

The Office Action rejects Claims 1, 4-5 and 7-9 under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,055,572 issued in the name of Saksena (hereinafter Saksena) in view of Kurasugi.

The Examiner sates that Saksena teaches the recited elements of the rejected claim except for the number of times the resource referenced by that reference has been fetched previously and on the number of times one or more further resources have been fetched previously from a server that serves the resource referenced by the reference, however, that this element is taught by Kurasugi at section 0060. The Applicant asserts, as stated previously, that Kurasugi does not teach this subject matter. Kurasugi teaches that the weight value of the referrer object can be determined by the frequency of at which the hyperlinks of the referrer object has been accessed relative to the frequency of access to other referrer objects. The Applicant would like to respectfully point out that the referrer object of Kurasugi is equivalent to the reference within the rejected claims and the reference object of Kurasugi is equivalent to the

resource within the rejected claims. The rejected claims recite “the respective weight for a reference is computed based on the number of times the resource referenced by that reference has been fetched previously, and on the number of times one or more further resources have been fetched previously from a server that serves the resource referenced by the reference.”

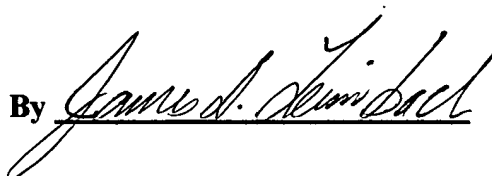
Therefore, the rejection contained within the Office Action cites Kurasugi which teaches that the respective weight for a reference is based on the number of times that reference has been fetched previously which is not the subject matter defined by the rejected claims. Accordingly, there are features defined by the rejected claims that are not found by the rejection made in the Office Action. Therefore, this rejection is respectfully, traversed.

The foregoing amendment adds new Claims 10-19 having a scope that is similar to existing claims 1-9. Therefore, examination of new Claim 10-19 is not believed to result in the introduction of new matter to the present application for invention and new Claim 10-19 are believed to be allowable for the aforesaid reason pertaining to Claims 1-9.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach, Reg. 34,374

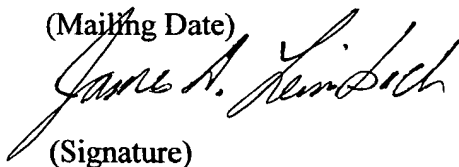
Patent Attorney (585) 381-9983

CERTIFICATE OF MAILING

I hereby certify that this correspondence
is being deposited this date with the
United States Postal Service as first-class mail
in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA. 22313-1450

on: September 3, 2004

(Mailing Date)



(Signature)